

## **ARTICLE IX - RM-3 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS**

### **PREAMBLE**

The RM-3 High Density Multiple Family Residential Districts are intended to be located in planned areas in and adjacent to the Muskegon Central Business District, in areas where satisfactory open space can be provided based upon District requirements, and yet maintain the harmony and integrity of adjacent residential uses, or in areas where the location can provide waterfront or other aesthetic vistas. Because of the density of population located in the RM-3 High Density Multiple Family Residential Districts, these Districts are placed where adequate thoroughfares and ancillary services are available.

### **SECTION 900: PRINCIPAL USES PERMITTED**

In an RM-3 High Density Multiple Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Multiple dwellings.
2. Rooming house with a capacity of not more than five (5) roomers.
3. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
  - b. The principal buildings on the site shall be set back from the abutting properties zoned for residential use not less than thirty (30) feet.
  - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
4. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes, Adult Foster Care Large Group Homes, and Adult Foster Care Congregate Facilities. [amended 11/02]
5. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
6. Uses similar to the above Principal Uses Permitted.

SECTION 901: SPECIAL LAND USES PERMITTED [amended 2/02] [amended 2/03]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission:

1. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
  - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
    - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
    - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
    - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
    - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.
  - b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
  - c. Conditions: [amended 8/04]
    - 1) Outdoor storage is prohibited.
    - 2) The area devoted to approved uses shall not exceed 2,500 square feet.
    - 3) All goods produced on the premises shall be sold at retail on the premises

where produced.

- 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
  - 5) Parking shall be accommodated on site or with limited street parking.
  - 6) Hours of operation may be limited by the Planning Commission.
  - 7) Signs must comply with those set forth for the residential zoning district.
  - 8) The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.
2. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
  3. Uses similar to the above Special Land Uses Permitted.

#### SECTION 902: PLANNED UNIT DEVELOPMENTS [amended 10/98]

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the RM-3 High Density Multiple Family Residential District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

#### SECTION 903: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 21,780 sq. feet.
2. Density (see definition in Article II): 48 dwelling units per buildable acre.
3. Dedicated open space requirement: 15%
4. Maximum lot coverage:  
Buildings: 70%  
Pavement: 20%
5. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

6. Maximum building width: 50% (as a portion of the lot width).
7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
8. Height limit: 5 stories or 80 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

9. Front Setbacks: [amended 1/05]  
 Minimum:  
     Expressway or Arterial Street: 30 feet  
     Collector or Major Street: 25 feet  
     Minor Street: 20 feet
10. Rear setback: 30 feet
11. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
12. Side setbacks:  
     1-story: 8 feet and 12 feet  
     2-story: 10 feet and 14 feet  
     3-story: 12 feet and 16 feet  
     4-story: 16 feet and 20 feet  
     5-story: 20 feet and 24 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
  - a. The building has an approved fire rating for zero-lot line development under the building code.
  - b. The building has adequate fire access preserved pursuant to fire code requirements.
  - c. The zero lot line side is not adjacent to a street.
  - d. A maintenance access easement is granted by the adjacent property owner and

recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.

- e. It is not adjacent to wetlands, or waterfront.
14. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]